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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 GARY L. BEAVERS,
12 Plaintiff,
13 v.
14 OFFICER ENRIQUES, et al.,
15 Defendants.
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Case No. 2:23-cv-01835-WLH-KES

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE

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18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all
19 the records and files herein, along with the Report and Recommendation (“R&R”)
20 of the United States Magistrate Judge (Dkt. 8). Further, the Court has engaged in
21 a de novo review of those portions of the R&R to which objections (Dkt. 11) have
22 been made.
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24 The filing at Dkt. 11 is objections to the R&R, not a First Amended
25 Complaint. The Court so construes Dkt. 11, even though the document is labeled
26 “First Amended Complaint,” for the following reasons: (1) unlike a complaint, it
27 contains legal points and authorities; (2) unlike a complaint, it does not have
28 separate legal claims and a prayer for relief; (3) Plaintiff did not timely file any

1 other objections to the R&R, and (4) most importantly, it discusses with which
 2 portions of the R&R Plaintiff agrees or disagrees. For example, it says that
 3 Plaintiff “agrees with the [magistrate judge’s] assessment with regards to the
 4 property claim” about damage to Plaintiff’s television being misjoined. (Dkt. 11
 5 at 1, referring to the R&R.) It also argues that Plaintiff’s claims against the
 6 Reasonable Accommodation Panel (“RAP”) are not misjoined (contrary to the
 7 R&R’s determination), because the RAP Defendants were “complicit” in a
 8 conspiracy between Defendants Enriquez and Uriah to leave Plaintiff in too-tight
 9 handcuffs, injuring his wrist. (Dkt. 11 at 2.) While some pages look like
 10 numbered allegations (see id. at 5-8), the Court understands these allegations to be
 11 proposed amendments that Plaintiff could make if the District Judge rejected the
 12 R&R and granted Plaintiff leave to amend to attempt to show how all his claims
 13 are properly joined. This understanding is based on Plaintiff’s inclusion of
 14 allegations against the RAP Defendants (Dkt. 11 ¶¶ 12-14) and other claims that
 15 the R&R determined were misjoined, such as (1) being left out in the rain (id.
 16 ¶ 18); and (2) correctional staff breaking Plaintiff’s television (id. ¶¶ 22-23).

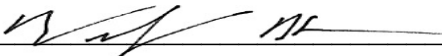
17 The Court accepts the findings, conclusions, and recommendations of the
 18 United States Magistrate Judge. The Court orders as follows:

- 19 (1) The RAP Defendants¹ and Doe Defendants are dismissed without
 20 prejudice but without leave to amend to re-plead claims against them in
 21 this action;
- 22 (2) Any future amendments to the operative complaint shall be limited to
 23 claims against Defendants Enriquez and Uriah; and

24
 25 ¹ The RAP Defendants are (1) Chief Medical Executive Haar; (2) Health
 26 Grievance Coordinator D. Vo; (3) Health Care Compliance Analyst C. Radis;
 27 (4) Correctional Counselor I. C. Tomasini; (5) Psychologist S. Sindel, Correctional
 28 Supervisor Reynoso; (6) Associate Warden Gaughan; and (7) CMC Associate
 Governmental Program Analyst K. Lino. (Dkt. 1 at 4, 10.)

1 (3) If Plaintiff wishes to file a First Amended Complaint limited to claims
2 against Defendants Enriquez and Uriah, then he may do so within
3 twenty-one (21) days of the date of this Order. Alternatively, if he does
4 not file a timely First Amended Complaint, then the Magistrate Judge
5 will authorize service of the Complaint only on Defendants Enriquez and
6 Uriah in their individual capacity.

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9 DATED: 9/8/2023

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12 HON. WESLEY L. HSU
13 UNITED STATES DISTRICT JUDGE
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